

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7484

BILL NUMBER: SB 610

NOTE PREPARED: Jan 13, 2005

BILL AMENDED:

SUBJECT: Violence-Free Community Fee.

FIRST AUTHOR: Sen. Landske

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It requires the collection of a Violence-Free Community Fee of \$200 from persons convicted of specified crimes involving the use of a firearm or deadly weapon.
- B. It requires the fee to be distributed to prosecuting attorneys to: (1) reduce the unlawful use of firearms; (2) establish procedures for owners of firearms to legally dispose of the firearms; (3) reduce community violence; and (4) provide equipment for law enforcement agencies.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The clerk of the circuit court would need to collect and transfer fees generated by this bill. The bill also requires each county auditor to establish a new account for a Violence-Free Community Fund. The specific impact would depend on local action.

Explanation of Local Revenues: *Summary:* Under the bill, a \$200 Violence-Free Community Fee would be assessed on convicted persons of crimes involving firearms, including various firearm violations, homicide, battery, kidnaping and confinement, sex crimes, and robbery as defined by the bill. Based on commitments to the Department of Correction in 2004 and assuming each committed offender pays the full fee, an estimated \$186,000 might be collected statewide from offenders sentenced for firearm violations and other violent crimes.

Background Information: [Note: These estimated revenues do not include any fees from weapons-related misdemeanors. No information on the number of weapons-related misdemeanors is available. Under current law, 10 Class A misdemeanors, 11 Class B misdemeanors, and one Class C misdemeanor exist involving weapons.]

IC 35-41-1-8 defines a deadly weapon as a loaded or unloaded firearm, destructive device, weapon, device, taser, electronic stun weapon, equipment, chemical substance, or other material that is capable of causing serious bodily injury. In addition, an animal or a biological disease, virus, or organism that is capable of causing serious bodily injury may also be considered to be a deadly weapon.

Estimating Revenue – The following table estimates the new revenue that this fee would generate based on a five-year average of offenders committed to DOC facilities for weapons-related crimes under IC 35-47 and half of the number of offenders committed for a violent crime under IC 35-42. This does not include the number of misdemeanants who might also pay this fee.

Estimated Revenue From Violence Free Community Fee		
	Number of <u>Offenders</u>	
Weapons Related	354	
Violent Crimes	580	
Total Crimes		934
Violence-Free Community Fee	x	\$200
Total Estimated Fees		\$186,800

Revenue collected from this fee would be deposited by the county auditor into the Violence-Free Community Account in the County User Fee Fund. The county fiscal body would be required to adopt an ordinance to appropriate the money in the fund to the prosecuting attorney of the county. The county fiscal body would not be permitted to transfer any money generated by this fee and appropriated to the prosecuting attorney for any other uses besides the uses specified in this bill.

State Agencies Affected:

Local Agencies Affected: County auditor; Clerk of the circuit court; County fiscal bodies; Prosecuting attorneys.

Information Sources: Department of Correction.

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